

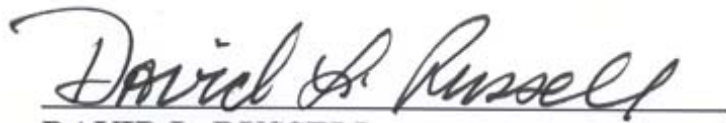
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LOGAN ADAM DEATON,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-10-1212-R
)	
ERIC FRANKLIN,)	
Warden,)	
)	
Respondent.)	

ORDER

Petitioner filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 28, 2011, Petitioner filed a motion to dismiss, seeking dismissal of his petition without prejudice. The Court finds, as recommended in the February 4, 2011 Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo, that the Petitioner's motion should be construed as a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a), and thus, this case should be terminated without prejudice.

IT IS SO ORDERED this 25th day of February 2011.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE